

MEETING MINUTES, PLANNING COMMISSION, APRIL 14, 2008

Present: Phil Tinkle, Brent Corey, Tom McClain, Bettina Settles, Tom Bridges, Duane O'Neal, Trent Pohlar, Alford Kessinger, Mark Richards, City Engineer; Ed Ferguson, Planning Director; Shawna Koons-Davis, City Attorney; Janice Nix, Recording Secretary

The meeting was called to order at 7:00 p.m. by Trent Pohlar, President.

PREVIOUS MINUTES

March 10th – Tinkle moved to approve the minutes as mailed, seconded by Settles. Vote for **approval** was unanimous, 8 -0. **Motion carried.**

Training Session, March 24th – Settles moved to approve the Training Session minutes as mailed, seconded by Tinkle. Vote for **approval** was unanimous, 8-0. **Motion carried.**

I-65 Overlay Meeting - February 27th – Settles moved to approve the minutes as mailed, seconded by Corey. Vote for **approval** was unanimous, 4-0, with Tinkle abstaining. **Motion carried.**

I-65 Overlay Meeting – March 26th – Tinkle moved to approve the minutes as mailed, seconded by Settles. Vote for **approval** was unanimous, 5-0. **Motion carried.**

NEW BUSINESS

Docket PC2008-017 – Re-zoning Petition – Rocklane Re-zoning – Request to re-zone from C-1 Commercial (48.4 acres) and R-2 Residential (73.3 acres) to I-1 Industrial for a total of ±121.7 acres – Rock Lane Properties, LLC, applicant; Joseph Calderon, Attorney; representing.

Gary Miller came forward and was sworn. He is representing the Eastside Property Owners Association. They are requesting a continuance of this matter until May 12, 2008.

Joe Calderon, Attorney, came forward and was sworn. He is representing the petitioner. They are not in opposition of the continuance request. The petitioner wants to amend the petition to withdraw a certain number of acres from the original petition. This request will be considered by the commission at the May 12th hearing.

Tinkle moved to continue PC 2008-017 to May 12, 2008, seconded by Settles. Vote for **approval** of the **continuance** was unanimous, 8-0. **Motion carried.**

Docket PC2008-010 – Re-zoning Petition – 540 U.S. Hwy. 31 South – Request to re-zone from R-2 Single-family Residential to B-1 Business Office – 540 U.S. Hwy. 31 South – Kathleen Nolan, owner; Greg Taphorn, Applicant.

Greg Taphorn, applicant, came forward and was sworn. The proposed use of the property will be for an insurance office.

There were no remonstrators present.

Tinkle noted that this re-zone request will bring this property in line with the properties on either side of it.

1. **Criteria:** This request complies with the Comprehensive Plan in the following way(s)
Answer: The property at 540 U.S. 31 South is located to the west and adjacent to Hwy. 31. The properties to the North and South are already zoned B-1. I believe this request follows the Comprehensive Plan for the use of this property to be commercial use.

2. **Criteria:** This request complies with the Current conditions and the character of current structures and uses in each district in the following ways: **Answer:** No changes to the structure are planned. The house will become an insurance office with very limited traffic. Clients will occasionally come to the office but normally pay by phone, internet or automatic withdrawal.
3. **Criteria:** The request is for the most desirable use for which the land in this district is adapted **Answer:** This is a house that will be turned into an insurance office. No construction on the outside of the structure is planned. Adjacent houses to the North and South are currently also zoned B-1. They are residential houses that were converted into professional offices as well.
4. **Criteria:** The request will not negatively affect the property values throughout the Jurisdiction because **Answer:** Three staff people will have parked cars throughout the day. Very limited traffic from the public will come to our office. In today's environment, most people pay their insurance by automatic withdrawal, credit/debit/check by phone, or by the internet. Normal office hours are 9:00 to 5:00, Monday through Friday. Property values will most likely be positively impacted by zoning this property B-1 to match that of the adjacent properties to the North and South.
5. **Criteria:** This request is considered responsible development and growth because **Answer:** This will be a professional office with normal operating hours and limited traffic.

The City Attorney reviewed the Statutory Criteria to be considered by the Commission.

Tinkle moved that the petition for a Zone Map Change for the rezoning of land known as the Nolan Property generally located at 540 U.S. Hwy. 31 South, within the City of Greenwood, Johnson County, Indiana, from R-2 Residential – Single-Family use to B-1 – Business – Professional Office use, as set forth therein, receive a **favorable** recommendation from this Commission to the Greenwood Common Council and that the same be certified to the Greenwood Common Council in the form presented, with the following commitments:

Type D Bufferyard shall be installed along the west side as part of the site development plan,

O'Neal arrived at this time.

seconded by Settles. Vote for **approval** was 8 for, with one abstention (O'Neal). **Motion carried.**

Docket PC2008-011 – Re-zoning Petition – Cellofoam Rezoning – 150 Crossroads Drive – Request to rezone 2.75 acres from C-3 Commercial to I-1 Industrial in order to allow for addition to Cellofoam building – Petro Group, Inc., applicant; Paul Hass, Attorney, representing.

Jeff Smith, Projects Plus; Paul Hass, Attorney; Don Tribec, Turley Martin Tucker; and Scott Miller, Cellofoam Manager; came forward and were sworn.

Both the re-zoning request and primary plat are being presented together. There will be separate motions.

Richards inquired about the drainage/utility easement that is proposed. Jeff Smith replied that they will be contacting the developer of Greenwood Trace regarding this.

It was noted that a letter from Nachi Technology was received regarding trash blowing onto their property. Attorney Hass stated that the addition that is proposed should help block trash from blowing onto Nachi's property. With the additional space it will no longer be necessary to store some items outside. Scott Miller came forward and stated he has attempted to contact Nachi regarding the problem. He said additional employees have been hired to alleviate the problem. Mr. Pohler suggested that Cellofoam address this problem with a dumpster enclosure as part of its site plan.

1. **Criteria:** This request complies with the Comprehensive Plan in the following way(s)
Answer: The Comprehensive Plan includes the Midwest Business Center of which this tract will be a part, which is zoned I-1 (light industrial). Heavy industrial (I-2) is to the east, southeast, northeast and further to the north. The request is for light industrial, I-1, as already exists to the north and will only add 2.75 acres to facilitate the expansion of the Cellofoam, NA facility at 150 Crossroads Drive. Various landscaping and other requirements for the site will be met.
2. **Criteria:** This request complies with the Current conditions and the character of current structures and uses in each district in the following ways: **Answer:** As stated above the zoning for surrounding properties includes manufacturing facilities, tool and die/machine shops, automotive repair, boat storage etc. The additional 2.75 acres will be consistent with the existing use of Cellofoam already to the north.
3. **Criteria:** The request is for the most desirable use for which the land in this district is adapted **Answer:** The I-1 zoning classification (light industrial) is a desirable use of this property in that it is consistent with the use immediately to the north and expands an existing facility without having a visual impact on the U.S. 31 corridor. It will facilitate the expansion of an existing local business without any taxpayer financed incentives. It is consistent with the existing zoning in the Midwest Business Center of which it is a part and a less intensive use than the I-2 zoning areas which substantially exist to the north and east of this property.
4. **Criteria:** The request will not negatively affect the property values throughout the Jurisdiction because **Answer:** As stated above, it is consistent with the existing uses in the area and does not take away any road frontage on U.S. 31. It should have no negative impact on property values. The expansion is also taking place without any requested tax abatement. The rigorous landscaping and other site plan requirements will be met.
5. **Criteria:** This request is considered responsible development and growth because **Answer:** It is consistent with the existing uses, does not need additional infrastructure, does not use up road frontage, and will not alter the character of the area.

The City Attorney reviewed the Statutory Criteria to be considered by the Commission.

Settles moved that the petition for a Zone Map Change for the rezoning of approximately 2.75 acres of land known as the Petro Group, Inc. Property generally located at 150 Crossroads Drive, within the City of Greenwood, Johnson County, Indiana, from C-3 Commercial – Regional use to I-1 – Industrial – Light use, as set forth therein, receive a **favorable** recommendation from this Commission to the Greenwood Common Council and that the same be certified to the Greenwood Common Council in the form presented, seconded by Tinkle. Vote for **approval** was unanimous, 9-0. **Motion carried.**

Docket PC2008-012 – Primary Plat – Cellofoam Addition – 150 Crossroads Drive – Primary Plat to add additional lot area in order to allow for construction of an addition to the existing Cellofoam building – Projects Plus, representing.

It was noted that #6 of the Tech Committee recommendations should be deleted.

Tinkle moved to approve PC2008-012, subject to the recommendations of the Tech Committee being met, as amended, seconded by Settles. Vote for **approval** was unanimous, 9-0. **Motion carried.**

ANNOUNCEMENTS/REPORTS

Driveway Waiver Request – 2006 Woodfield Drive – Michael McManus came forward and was sworn.

Tinkle moved that the request of Michael McManus for a waiver from the regulation of the Greenwood Subdivision Control Ordinance, Greenwood Municipal Code Sec. 10-511 Subdivision Design Standards, 20.11.15, Driveways, Subsection 1. "Residential", that specifies that the width of a driveway for single-family dwellings shall not exceed a maximum width of twenty (20) feet within the public street right-of-way, excluding turning radii, **be approved**, to permit a driveway of 25' in width and that the Plan Commission find that the criteria set forth by Greenwood Municipal Code Sec 10-5-1, 20.02.02, for the approval of the waiver **has been met** for the reasons set forth in the Applicant's written waiver request and as presented by Applicant, seconded by Settles. Vote for **approval** was unanimous, 9-0. **Motion carried.**

Driveway Waiver Request – 1084 Woodgate Blvd. – There was no one present representing this request. Tinkle moved to continue this request to May 12, 2008, seconded by Settles. Vote for **approval** of the continuance was unanimous, 9-0. **Motion carried.**

Sidewalk Waiver Request – Kroger, Meridian Parke – Ferguson stated he informed the petitioners that they did not need to appear tonight. This is for a previously approved site plan (PC2007-052). There is a ditch located where the sidewalk would be placed. A bridge would have to be built in order to install a sidewalk. Paul Peoni has looked at the site. Criteria demonstrating how it meets the waiver requirements is lacking. O'Neal reminded Commission we had similar argument when Menard's area was developed.

Kessinger moved that the request of Meridian Parke Company, LLC for a waiver from the requirements of the Greenwood Site Development Plan Ordinance, Greenwood Municipal Code Sec. 10-460, Subsection 16.03.01 Design Requirements and Improvements Requirements, and Subdivision Control Ordinance, Greenwood Municipal Code Sec. 10-515 Sidewalks, Subsections 20.15.01 through 20.15.03, that specify that a sidewalk shall be constructed along every residential or commercial lot, **be approved** for that portion of petitioner's lot that abuts Fairview Road and that the Plan Commission find that the criteria set forth by Greenwood Municipal Code Sec 10-460, 16.08.1 (A), for the approval of the waiver **has been met** for the reasons set forth in the attachment to the written waiver request and as presented. I further move that we direct the City Attorney to draft Written Findings of Fact regarding our decision on this waiver request, specifically incorporating the evidence filed by the petitioner with its waiver request and as presented here, for consideration and adoption by the Plan Commission at our next meeting, seconded by Bridges. Vote for **approval** was unanimous, 9-0. **Motion carried.**

Mr. Ferguson reminded members to submit their comments/suggestions for the updating of the Sign Code.

There will only be one item on the next agenda. It is a re-zoning request for the lot south of Mrs. Curl Ice Cream Shop on S. Meridian St. Staff report and information will be sent in advance for the Commission's review. Both Mr. Ferguson and Mr. Peebles will be out of town for the April 28th meeting in order to attend the national Conference of the American Planning Association.

Mr. Ferguson and Bill Peebles then reviewed two upcoming annexations to be initiated by the City:

- 1) Several "islands and pockets" throughout the City that need to be annexed. Tinkle moved to authorize staff to file this annexation request, seconded by Richards. Vote for **approval** was unanimous, 9-0. **Motion carried.**
- 2) Area on the southwest side of Greenwood (St. Rd. 135 area). A questionnaire is being sent out to property owners in this area asking for their input on whether they want to be annexed. McClain moved to authorize staff to file this annexation request, seconded by Settles. Vote for **approval** was unanimous, 9-0. **Motion carried.**

O'Neal moved to adjourn, seconded by Tinkle. Meeting was adjourned at 8:15 p.m.

JANICE NIX
Recording Secretary

TRENT POHLAR
President